

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

BURRELL A. McGHEE

Plaintiff,

v.

CHARLES A. ROBERSON, M.D., et al.

Defendant(s).

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Case No. 7:13-CV-123

LOCUMTENENS.COM, LLC'S AND CHARLES A. ROBERSON, M.D.'S PARTIAL  
MOTION TO DISMISS PURSUANT TO RULE 12(b)(6) AND RULE 12(c)

LocumTenens.com, LLC and Charles A. Roberson, M.D., by counsel, and pursuant to Rule 12(b)(6) and Rule 12(c) of the *Federal Rules of Civil Procedure*, move to dismiss any punitive damage claim from the Complaint because the Plaintiff fails to plead facts to support a punitive damage claim as a matter of law. A memorandum stating the facts and legal authority supporting this request accompanies this motion.

CHARLES A. ROBERSON, M.D.  
and  
LOCUMTENENS.COM, LLC

By Counsel

/s/ Justin W. Ward

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## **CERTIFICATE**

I hereby certify that on the 10<sup>th</sup> day of July, 2013, I presented the forgoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following:

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